

Permit Applicant Requirements and Responsibilities
Donation/Dedication of Right of Way

Where right of way donation/dedication is a prerequisite of permit issuance, the permit applicant must complete an information package as detailed below and submit it to the Department's Permit office. The Department will review all of the required information, and if a permit is ultimately approved, the applicant will be required to convey fee simple interest of the donation/dedication area to the Department via warranty deed.

RIGHT OF WAY REQUIREMENTS OF PERMIT APPLICANT

APPLICANT MUST SUBMIT THE FOLLOWING TO THE **PERMITS OFFICE**:

1. Signed and dated "Checklist for Permit Applicants - Donations" (NOTE: An incomplete package may delay processing);
2. Five (5) signed and sealed copies of the sketch and legal description of the area to be donated/dedicated to the Department prepared in English units of measure. All existing easements shall be identified on the sketch;
3. A copy of the existing and/or proposed site plan for the property;
4. At a minimum, a final Phase I Environmental Site Assessment (ESA) of the area to be donated/dedicated, dated within eighteen (18) months of receipt by the Permits office. Depending on the results of the Phase I ESA, other environmental action(s) may be required of the applicant;
5. The tax I.D. number and status of the property taxes of the subject property, including any exemptions;
6. A statement from the appropriate county tax collector identifying delinquent and daily pro-rata taxes due on the area to be donated/dedicated;
7. The full name of the individual or entity owning the property and the full names of any persons authorized to act on behalf of and legally bind the entity;
8. The applicant shall provide one (1) of the following:
 - A Title Report prepared exclusively for FDOT;
 - Attorney's Opinion of Title prepared exclusively for FDOT;
 - Title Commitment (Binder) with FDOT named as the proposed insured; or
 - Title Insurance Policy with FDOT named as insured.

Any of the above referenced title documents must be dated within 90 days of receipt by the Permits office and the preparer of which must attest to having reviewed title in

accordance with the requirements set out below. Further, the title must cover the full legal description of the contiguous property owned by the applicant (or the area to be donated/dedicated) and must include legible copies of the following:

- a. Proof of current ownership including the deed/acquiring document;
- b. A search of the public records, beginning from the point at which the United States government grant transferred the property to State of Florida to the present, for all documents which create, or purport to create, an interest in, a lien against, or an encumbrance and potential encumbrance on the title to the subject real property (including TIITF and EDD easements/reservations and releases); and
- c. All unrecorded documents, such as leases.

Note: Title information will be rejected if all supporting documentation is not attached.

APPLICANT IS RESPONSIBLE FOR:

- Providing the Department with clear title;
- Ensuring that the deed and any other necessary documents reviewed and approved by the Department are executed by the proper party(ies) and recorded in the county's Official Records within 24 business hours of approval and execution;
- Paying recording fees related to the donation/dedication. See county website for fees;
- Mailing the original recorded document(s) to the Right of Way Production Services unit attention to the agent;
- Paying all property taxes due for the area to be donated/dedicated up to the date of title transfer (the date the deed is signed);
- Ensuring the most current version of this document is used by accessing it at the following Internet link (go to "Right of Way Donations/Dedications" under "Additional Information and Examples"):

<http://www.dot.state.fl.us/statemaintenanceoffice/District4PermitInformation.shtm>

CHECKLIST FOR PERMIT APPLICANTS - DONATIONS

- ☐ Did you provide (5) signed and sealed copies of the sketch and legal description of the area to be donated to FDOT?
- ☐ Did you provide a copy of the existing and/or proposed site plan for the property?
- ☐ Did you provide a final Phase I Environmental Site Assessment (ESA) of the area to be donated, dated within 18 months of submittal?
- ☐ Did you include the tax identification number and status of the property taxes of the subject property?
- ☐ Did you include a statement from the appropriate county tax collector identifying delinquent and daily pro-rata taxes due on the area to be donated?
- ☐ Did you include the full name of the individual or entity owning the property and the full names of any persons authorized to act on behalf of and legally bind the entity?
- ☐ Did you provide either a Title Report prepared exclusively for FDOT or an Attorney's Opinion of Title prepared exclusively for FDOT or a Title Commitment (Binder) with FDOT named as the proposed insured or a Title Insurance Policy with FDOT named as insured?

Signature

Date

Name (printed)

Company